



ifw

Atty. Dkt. No. 018889-0156

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hiroyasu KOIZUMI et al.

Title: HEAT EXCHANGER CORE,
AND METHOD OF
ASSEMBLING THE HEAT
EXCHANGER CORE

Appl. No.: 09/461,211

Filing Date: 12/15/1999

Examiner: J. Ford

Art Unit: 3753

Request for Initialed 1449

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Upon consideration of the allowance in this case, Applicants noted that the initialed PTO-1449 Form for the Information Disclosure Statement filed on July 6, 2000 was not returned to the Applicants. Upon inquiry, the examiner currently in charge of the application provided Applicants' representative with a partially initialed form, which appears to have been completed in December 2000, but was not returned to the Applicants. In that IDS, references A3 and A6-A9 were crossed out. References A3, A8, and A9 were already cited in other places, including in PTO-892 Forms already provided by the Patent Office. Therefore, these references were already considered in connection with the present application.

However, A6 and A7 have not been identified as being formally considered. The partially initialed PTO-1449 form states that the references fail to comply with the

requirements of 37 C.F.R. § 1.98(a)(3), i.e., statement of relevance. This is incorrect for two reasons. First, the IDS was filed to cite certain references that arose in connection with the prosecution of the counterpart European application. Applicants included a copy of the European Search Report and indicated that this report included what was considered relevant. MPEP, section 609 states in part that “Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.”

Second, as explained in the IDS itself, Applicants submitted the U.S. counterpart references to references A6 and A7. Those two references, A1 and A2, respectively, have already been considered by the Patent Office. Indeed, the U.S. counterpart to reference A7 was U.S. Patent No. 5,868,198 to Kato, which was discussed in numerous places in the prosecution.

In short, the requirements for a concise statement of relevance have been fully met in this case. The Patent Office is requested to provide an initialed PTO-1449 Form, initialing references A6 and A7. Should the Examiner have any questions in this regard, he is respectfully requested to contact the undersigned.

Respectfully submitted,

Date March 16, 2005

By _____

Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399